

APPROVED: Meeting No. 5-88

ATTEST:

Kelen M. Heneghan

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 2-88

January 23, 1988

The Mayor and Council of Rockville, Maryland, convened in Executive Session on Saturday, January 23, 1988, in the City Manager's Conference Room, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, at 8:15 a.m. for personnel matters.

PRESENT

Councilman Steve Abrams

Councilman James Coyle

Councilwoman Viola Hovsepian

There being no further business to come before the Council in Executive Session, the meeting was adjourned at 12:00 Noon to convene again in Executive Session on Saturday, January 23, 1988 at 1:00 p.m. or at the call of the Mayor.

January 23, 1988

The Mayor and Council of Rockville, Maryland, convened in Executive Session on Saturday, January 23, 1988, in the City Manager's Conference Room, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, at 1:00 p.m., for personnel matters.

PRESENT

Mayor Douglas M. Duncan

Councilman Steve Abrams

Councilman James Coyle

Councilwoman Viola Hovsepian

Councilman David Robbins

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There being no further business to come before the Council in Executive Session, the meeting was adjourned at 4:50 p.m. to convene again in General Session on Monday, January 25, 1988 at 8:00 p.m. or at the call of the Mayor.

January 26, 1988

The Mayor and Council of Rockville, Maryland convened in Executive Session on Tuesday, January 26, 1988, in the City Manager's Conference Room, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, at 7:00 p.m. to discuss personnel matters.

PRESENT

Mayor Douglas M. Duncan

Councilman Steve Abrams

Councilman James Coyle

Councilwoman Viola Hovsepian

Councilman David Robbins

There being no further business to discuss in Executive Session, the meeting was adjourned at 7:50 p.m. to convene in General Session in the Council Chambers, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, at 8:00 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilman Steve Abrams

Councilman James Coyle

Councilwoman Viola Hovsepian

Councilman David Robbins

The Mayor in the Chair.

In attendance: Assistant City Attorney Frank Lacey, City Clerk Helen M. Heneghan, Acting City Manager Rick Kuckkahn.

Re: City Manager's Report

Mr. Kuckkahn reported the following:

1. Tonight in the audience, we have representatives of Webelo Pack 1450 from College Gardens.
2. The City will once again offer free tax preparation for low to moderate income residents and senior adults. This will be done on Tuesday evenings beginning tonight and continuing through April 12, 1988. Appointments can be made by calling 424-8000. Mr. Stanley Seaman is the coordinator of this service.
3. The Board of Commissioners of the Rockville Housing Authority has presented a certificate of recognition to Josephine Roberts, Senior Community Specialist for the Department of Community Resources, during their annual Martin Luther King, Jr. commemorative program.
4. At a news conference yesterday, the results of a Study of Fair Housing Practices in the metropolitan region was released. The results of the report will be turned over to the Human Rights Commission which will analyze the sites in the City of Rockville that were tested and suggest a course of action to the Mayor and Council.
5. The City staff will have a briefing by County staff to explain the process they followed in developing FY '89 Annual Growth Policy. Questions will be asked and the information provided to the Mayor and Council.
6. Middle Lane parking. After working out the details, parking passes are now available for commuters who use the Middle Lane parking lot on a regular, but not daily basis. Detailed information can be obtained at 279-0994. This was suggested to the Mayor and Council by Michael Gewirtz.

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7. During severe snow storms, the City's policy has been to attempt, if at all possible, to have City Hall open on time. Staff that live close to City Hall can accomplish this. However, so that employees who live a distance will exercise caution in getting to work, the City has devised a policy which allows for two hours of leave, so that they can proceed cautiously. If the roads are too bad for them to make the trip, supervisors allow them to take annual leave without permission.

Councilman Coyle said there are still questions on the parking permits. The City Manager said that information will be provided in next weeks brief book.

Councilwoman Hovsepian noted that some of the properties treated as "Rockville" properties in the Fair Housing Study may not really be within the City limits.

Re: Approval of Minutes

On motion of Councilman Coyle, duly seconded and unanimously passed, the minutes of Meeting No. 1-88, January 11, 1988, were approved as corrected, (Councilman Abrams abstaining).

On motion of Councilman Abrams, duly seconded, the minutes of Meeting No. 32-87, July 13, 1987, were passed as corrected by all Councilmembers voting, (Councilwoman Hovsepian and Councilman Robbins abstaining).

On motion of Councilman Abrams, duly seconded, the minutes of Meeting No. 33-87, July 27, 1987, were passed as corrected by all Councilmembers voting, (Councilwoman Hovsepian and Councilman Robbins abstaining).

Re: Citizens Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

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1. Rose Krasnow, 5 Don Mills Court, presented the Mayor and Council with a petition which requested that the City take a pro-active role in hiring women in minorities for positions that are currently vacant in the city.

The Mayor and Council thanked Ms. Krasnow for the petition.

There being no further citizens who wished to address the Mayor and Council, the Citizen's Forum portion of the meeting was closed.

Re: Appointment

Mayor Duncan proposed Michael Patterson for appointment as Chairman of the Historic District Commission for a period of one year. The appointment was confirmed by the Council.

Re: Award of Contract: Bid #60-88,
for Maintenance of Radio System
for the City of Rockville

The purpose of this bid is to provide maintenance and installation service for all of the radio equipment and other equipment included in the communications network.

There were 19 proposals sent out and 6 bids were received. This bid was requested for the initial year and two additional one year service periods. The Year I period is for 11 months and the other two (Year II, Year III) are for 12 month periods.

<u>Vendor</u>	<u>Year I</u>	<u>Year II</u>	<u>Year III</u>	<u>Total</u>
J.T. Tronics 15757 Crabbs Branch Way Rockville, MD 20855	\$7,815.06	\$9,383.88	\$10,316.28	\$27,515.22
Teltronics Inc. 2661 Garfield Avenue Silver Spring, MD 20910	\$10,579.25	\$12,230.40	\$12,916.20	\$35,725.85
Superior Communications 704 E. Gude Drive Rockville, MD 20850	\$11,266.75	\$12,781.80	\$13,404.60	\$37,453.15

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Campbell Electronics	\$13,607.00	\$14,844.00	\$15,381.00	\$43,832.00
102 Dorchester Road				
Stevensville, MD 21666				

Mills Communication	\$15,301.00	\$16,692.00	\$16,692.00	\$48,685.00
210 Pennsylvania Ave.				
Westminister, MD 21157				

Motorola C & E	\$22,538.00	\$26,326.80	\$27,936.60	\$76,791.40
7230 Parkway Drive				
Hanover, MD 21076				

Bid amount for remaining 5 months in this Fiscal Year = \$3,552.30

Budgeted amount for remaining 5 months in this Fiscal Year = \$6,000.00

The cost of this maintenance service during the past year was \$78.41/month for one each of each item. A similar comparison for this bid would be \$59.57/month for one each of each item the first year, \$65.54/month for one each of each item the second year, and \$72.08/month for one each of each item the third year.

Staff recommends an award of contract, including the two option years, to J.T. Tronics for maintenance of the radio system in the amount specified for each unit as bid. (Note: Multi-year contracts may be continued each fiscal year only after funding appropriations have been granted).

On motion of Councilman Abrams, duly seconded and unanimously passed, Award of Bid #60-88, for maintenance of radio system for the City of Rockville, was awarded to J.T. Tronics in the amount of \$27,515.22, for one year and two option years.

Re: Approval of on-site SWM waiver
request #12-88, 160 Halpine Rd

This 12 acre parcel of land is located at the southwest corner of Halpine Road and Rockville Pike. The site is currently improved by a shopping center, hotel and related parking. The owner/developer Congressional South Associates

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proposes to construct a retail building in a portion of the existing parking lot.

The proposed building and related parking lot improvements will result in 0.45 acres of imperviousness. On-site methods of SWM were considered but are not practical. The area of development is at a low point on the site. Since the drainage area to the low point is much greater than the area of development an on-site system would be ineffective.

Staff recommends a waiver be granted and a contribution of \$9,000 (0.45 impervious acres at \$20,000 per acre) be accepted toward the City's off-site SWM program.

On motion of Councilman Abrams, duly seconded and unanimously passed, the SWM Waiver request #12-88, 160 Halpine Road, was granted by the Mayor and Council, and a contribution of \$9,000 was accepted toward the City's off-site SWM program.

Re: Refund of filing fee for Appeals
Application A-326-87

Staff has reviewed the applicant's request and acknowledges that he filed the application based on the assumption of a 20 foot setback requirement rather than the required setback of 30 feet on a corner lot where the house behind the subject property faces the street.

The applicant was advised that a staff recommendation is not a binding decision and that the Board of Appeals might find conditions associated with the case that would warrant the grant of the variance. However, based on the staff report and the larger than anticipated variance request, the applicant chose to withdraw the application.

Planning staff did spend time reviewing the application and preparing the staff report, which is usually paid for by the application fees in such cases.

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The Mayor and Council should take this fact into account when making a decision on a refund, as well as the misinformation upon which the variance application was filed.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Mayor and Council approved refund of filing fee for Appeals Application, A-326-87, in the amount of \$70.00.

Re: Adoption of Ordinance: To Amend the Zoning Map of the City in order to add 3.04155 acres in the 0-3 Restricted Office Zone, off I-270, between Montrose Road and the New Mark Commons subdivision.

Ordinance No. 2-88

On motion of Councilman Abrams, duly seconded and unanimously passed, Ordinance No. 2-88, the full text of which can be found in Ordinance Book No. 13 of the Mayor and Council, amending the zoning map of the City in order to add 3.04155 acres in the 0-3 Restricted Office Zone, off I-270, between Montrose Road and the New Mark Commons subdivision, was adopted by the Mayor and Council.

Re: Approval of Contract Extension
History Associates

History Associates has provided a contract to the City, in which Rockville piggybacks on Montgomery County's Archives Management agreement. A contract was approved with the company in 1987 for \$5,000.00. This work has been completed and \$5,000.00 budgeted for this years work. Staff recommends that the Mayor and Council agree to the contract extension.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Mayor and Council approved the extension of the contract with History Associates.

Re: Introduction of Ordinance: To
Revise and Amend Appropriation
Ordinance FY88, Ordinance No.
19-87.

On motion of Councilman Abrams, there was introduced upon the table, an ordinance to revise and amend Appropriation Ordinance FY88, Ordinance No. 19-87, said ordinance to lay over for at least one week before final action is taken.

Re: Annual Report of the Board of
Appeals

Chairman Patrick Woodward, and members Karen Lechter, James Moone and alternate member David Melnick, presented the boards annual report to the Mayor and Council. The Board commended Lisa Wogan and Alice Cronin for their diligence, and the hours spent working for the Board and asked that Mayor and Council look favorably on the Board's recommendations.

1. An examination of staff pay scales should be made with nearby jurisdictions in order to keep the City competitive.
2. Board agendas, upcoming public hearings and decisions of the Board should be listed in Rockville Reports. This same information should be summarized and disseminated to local and major newspapers.
3. It would be beneficial to the public and to the staff to reexamine and clarify the rules for setbacks at corner lots, especially as they relate to fence placement and height, and to provide new categories in the definition of restaurants for carry-out restaurants.
4. The City should look into the appropriateness and feasibility of publishing guidelines for aesthetic decisions for the Planning Commission and the Board of Appeals.

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5. In order to give the alternate member of the Board an opportunity to serve as a voting member, a text amendment should be adopted that provides a one year term for the alternate member instead of the current three year term.

6. The Mayor and Council should consider adopting a text amendment to permit group homes in residential zones by special exception, with appropriate development and use standards to ensure compatibility with the surrounding neighborhood.

7. The Mayor and Council should direct the Planning Staff, City Attorney and the Department of Licenses and Inspection to inventory all of the nonconforming uses in the City and to develop options for dealing with these uses.

The Mayor and Council discussed the items with the Board and agreed to further review after staff recommendation. The Mayor and Council thanked the Board for its dedicated service.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. R. McGarry, Montgomery County Department of Transportation re Metro Parking.

Councilwoman Hovsepian asked for more information.

2. Anderson Avenue neighbors re traffic.

Councilman Coyle said there were several different issues he had noted. He would like staff to follow up.

3. Lions Club re 50th Anniversary.

Councilwoman Hovsepian suggested a proclamation be done for this anniversary. The Mayor and Council agreed.

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Councilman Robbins asked that the Mayor and Council be given copies of all responses to correspondence. He asked if this was the ordinary procedure and the City Manager responded that it would be in the future.

Re: Information Items

1. Sidewalk Request on Lewis Avenue.

Councilwoman Hovsepian said that she would like to discuss this under New Business.

2. Recommendations for Actions Concerning Civic Center Mansion.

Councilwoman Hovsepian asked that this be discussed during their work session with the Cultural Arts Commission. The Mayor said he would like copies sent to the docents, the Recreation and Parks Advisory Board, and Peerless Rockville, so they might be brought together to discuss these items.

3. Ad Hoc Committee in Montrose Neighborhood Created.

Councilman Coyle asked who the City representatives are. The City Manager stated that he would get back to the Mayor and Council with this

Re: New Business

1. Councilman Abrams said he is attempting to put a value on gifts received last year and noted a calendar the Mayor and Council had received and questioned the value of it. The Mayor and Council could not agreed on the calendar's value.

2. Councilwoman Hovsepian suggested that the Mayor and Council draw its attention to the Council of Governments Board assignments and get the information to the City Clerk. She noted her interest in Human Resources and Air Quality, Councilman Coyle's in Public Safety and Councilman Abrams' in Transportation.

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3. A memorandum has been given to the Council concerning an award of engineering consultant contract for a wetlands analysis and Army Corp of Engineer permits. The contract would be awarded to Greenhorne and O'Mara for a fee of \$42,000.00, the upper limit of payment for the current scope.

The Council discussed this at length and Councilman Abrams suggested that the City pursue other avenues and come up with an administrative remedy that could redefine the project in a more managerial manner. The Council agreed that they would pursue both avenues and asked that Councilman Abrams refer the names of his contacts to the City Manager.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Council agreed to pursue this avenue while at the same time approving the award of contract to Greenhorne and O'Mara if that is the preferred course.

4. Councilwoman Hovsepian asked that the staff report back to the Mayor and Council on improvements to the entrance to the shopping center at Baltimore Road and First Street since it is hazardous. Councilman Abrams agreed and suggested that at the same time that staff look into other shopping centers in the City, most particularly, relocating the entrance to Giant on Washington Street.

5. Councilwoman Hovsepian suggested that the Mayor and Council address the question of sidewalks in the areas of Lewis Avenue where there are none. Councilman Abrams agreed and asked that staff look into the whole sidewalk considerations in the City, whether they should be by special assessment or the City should subsidize. This item will be on the next Mayor and Council agenda.

6. Councilman Coyle asked that the staff come back with a recommendation for the City's purchase of those lands that will be left over when the Falls

Road intersection is constructed. In addition, Councilman Coyle asked that this information be forwarded to all Civic Associations.

7. Councilman Coyle announced that after the Mayor and Council Committee met with search firm representatives, it has selected Telesearch, Inc. The contract will be finalized this week by the City Attorney. It is an exciting firm with a very positive outlook.

8. Councilman Abrams drew the Mayor and Council's attention to a memo on the Pollinger Company's policy on special handling of senior tenants and asked that the City Attorney's office draft a memo to the Human Rights Ordinance to rule out discrimination. This item will be on the next Mayor and Council agenda.

9. Councilman Abrams asked if during the Hate/Violence meeting, questions on sexual preference were brought forward. Mr. Vandrey said they are not being reviewed at this time. Councilman Abrams said he would like some comments back from the Commission concerning the ordinance deficiency, since it is unlawful to discriminate based on sexual preference.

10. Councilman Abrams said in the interest of assisting minority businesses, he would like to see a set aside for grass cutting contracts for minority businesses since it is a good start-up business. The Council discussed this, it being the Mayors idea that there should be staff input on other contracts as well. He also asked for information on the Prince George's and Montgomery County's experience. Councilman Abrams agreed that this could be helpful, but he would still like information from the staff to identify who holds the grass cutting contracts.

11. Councilman Abrams asked the status of the Twinbrook Safeway construction. The City Manager said this would be provided to the Council.

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12. Councilman Abrams said that in reading the minutes he had seen the Mayor's plan to communicate with other Mayors in the state to exchange ideas. He suggested that Councilmembers from other jurisdictions talk to our Council for further exchange.

13. Councilman Abrams noted that on February 1, 1988, the Mayor and Council will begin meetings at 7:30. He said this may provide a difficulty and if it is a re-occurring problem, he asked if the Council would agree reverting to 8:00 p.m. The Council agreed they would.

14. Councilman Abrams noted that the former administration carried a Mayors report on the agenda, he suggested the Mayor might consider re-instituting this procedure in order to keep the Mayor and Council abreast of the Mayor's meetings with staff and other agencies. If this is not feasible, he suggested using the briefbook to communicate so that the Councilmembers can be kept abreast of emerging issues and major concerns. He also asked that the Mayor might consider inviting Councilmembers to attend some of these meetings.

15. Councilman Abrams asked the Mayor to keep the Council informed when the interviewing process begins, particularly for the Planning Commission, since in the past administration, other Councilmembers had been advised and invited to attend. The Mayor said the notification would be done.

16. Mayor Duncan noted that materials have been distributed in his area this week that, in the past, prompted the calling of the Hate/Violence forum.

17. The City Manager introduced the new Administrative Assistant in his office, Cheryl Lampkin.

18. The Mayor noted that beginning February 1, 1988, Mayor and Council meetings will begin at 7:30 p.m. and the Mayor will be holding drop-in hours on Monday evenings from 5:30 - 7:00 p.m.

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Re: Executive Session

On motion of Councilman Abrams, duly seconded and unanimously passed, the meeting was closed for Executive Session to discuss personnel and land acquisition.

Re: Adjournment

There being no further business to come before the Mayor and Council in Executive Session, the meeting was adjourned at 11:45 p.m. to convene again on Thursday, January 28, 1988, at 8:30 p.m. or at the call of the Mayor.

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January 28, 1988

The Mayor and Council of Rockville, Maryland, convened in Executive Session on Thursday, January 28, 1988, in the City Manager's Conference Room, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, at 8:30 p.m. to discuss personnel.

PRESENT

Mayor Douglas M. Duncan

Councilman Steve Abrams

Councilman James Coyle

Councilwoman Viola Hovsepian

Councilman David Robbins

There being no further business to come before the Mayor and Council in Executive Session, the meeting was adjourned at 10:40 p.m. to convene again on Monday, February 1, 1988 at 7:30 p.m. or at the call of the Mayor.